

**US Army Corps  
of Engineers**  
Louisville District ®

# Public Notice

Public Notice No.  
LRL-2012-954-pgj

Open Date:  
20 Aug 2013

Close Date:  
19 Sep 2013

Please address all comments and inquiries to:  
U.S. Army Corps of Engineers, Louisville District  
ATTN: Patricia A. Grace-Jarrett, Ph. D., CELRL-OP-FS, Rm 752  
P.O. Box 59  
Louisville, Kentucky 40201-0059

Phone: 502-315-6687

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 404 of the Clean Water Act:

SPONSOR: Flynn Contracting  
1213 Outer Loop  
Louisville, Kentucky 40219

AGENT: Redwing Ecological Services  
1139 South Fourth Street  
Louisville, Kentucky 40203

LOCATION: Wetlands on a 47-acre site located along the left bank of the Salt River, near the city of Shepherdsville, Bullitt County, Kentucky.

Latitude: 37.9916  
Longitude: -85.7383  
7.5 Minute Quad: Brooks and Shepherdsville

PURPOSE: To develop a wetland mitigation bank in the Salt River Watershed.

DESCRIPTION OF WORK: The Sponsor proposes to construct a wetland mitigation bank known as the "Salt River Mitigation Bank" (SRMB). The SRMB would be developed to generate wetland mitigation credits that could be made available for sale to compensate for impacts associated with the discharge of dredged or fill material into "waters of the United States (U.S.)" resulting from projects within the SRMB's service area. The Sponsor has submitted a prospectus consistent with 33 C.F.R. 332, "Compensatory Mitigation for Losses of Aquatic Resources" ("Mitigation Rule"), as published in the Federal Register on April 10, 2008. The prospectus may be reviewed in full by contacting the Corps; however, a summary of the key elements are detailed below.

General Project Description: The SRMB site consists of 47 acres within the 100-year flood plain of the Salt River. The site contains three small wetlands totaling approximately 0.47 acre. The project would include re-establishment of approximately 45 acres of forested wetland, rehabilitation of approximately 0.5 acre of forested wetland

and 1.5 acres of upland forest buffer, resulting in a net ecological lift of approximately 45.5 wetland credits. The proposal also includes 5% additional credits (2.3) upon the successful transfer of the site to a conservation organization. The project would require the discharge of clean fill material into the "waters of the U.S." All materials would be harvested on site or purchased from a commercial source and transported to the site.

Service Area (SA): The proposed service area includes two, contiguous, eight-digit hydrologic unit codes (HUCs): the Salt River (HUC 05140102) and the Silver-Little Kentucky River (HUC 05140101).

Site Protection and Long-Term Management: The entire 47-acre parcel would be purchased and permanently protected, including protection from mineral extraction, through the implementation of a deed-bound conservation easement. Long-term management of the property would be administered through the Sponsor or transferred to a third party, non-profit conservation organization.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: The project includes the re-establishment and rehabilitation of forested wetlands. Some filling of "waters of the U.S." may be required to implement these activities; however, the work would avoid and minimize the discharge of fill material into "waters of the U.S." to the greatest extent practicable while still meeting the project goal of implementing a Mitigation Bank. Any discharge of fill into "waters of the U.S." would require a 404 authorization and the site's credits reduced to account for the discharge of fill. The site would not require mitigation as it would generate a net increase in aquatic resource functions and services, potentially yielding up to 47.8 wetland credits.

This Public Notice announces the development of a prospectus for the SRMB site. Consistent with the Mitigation Rule, the mitigation plan is not developed until the Mitigation Bank Instrument is drafted. Therefore, no mitigation plan is available for review at this time.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant must apply for State certification from the Kentucky Energy and Environment Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species

Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places (NRHP) has been examined and it has been determined that one previously recorded archaeological site is within or nearby the project site. The NRHP eligibility of this site is unknown; however, based on the presence of this previously recorded site and the location of the project, the Corps will likely direct a Phase I archaeological survey of the proposed project site pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Operations Division  
Regulatory Branch (South)  
Public Notice No. LRL-2012-954-pgj

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to: Patricia A. Grace-Jarrett, Ph.D., CELRL-OP-FS at the address noted above and should refer to the Public Notice Number LRL-2012-954-pgj.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2012-954-pgj.

Example:

Subject: LRL-2012-954-pgj

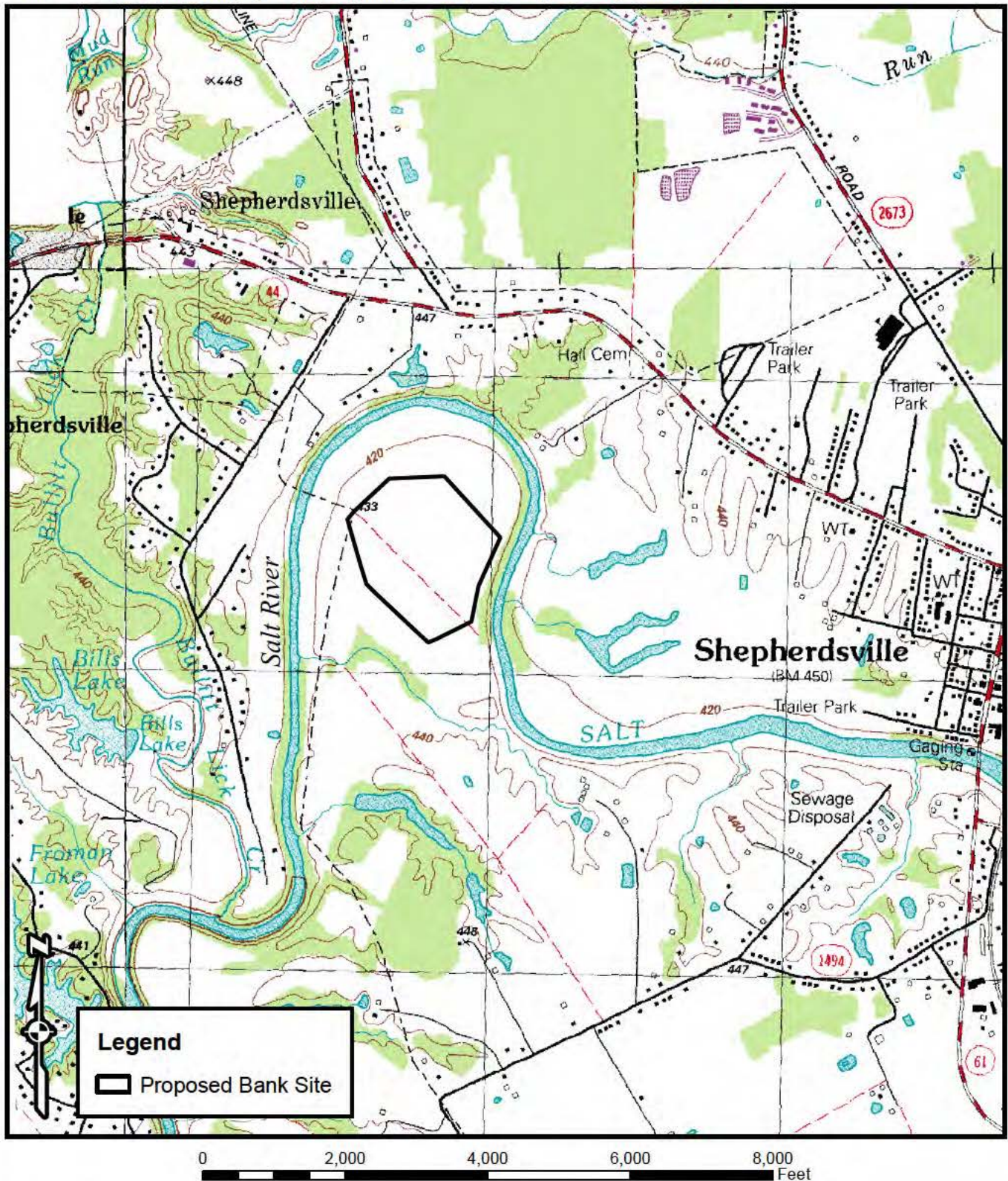
b) Provide your physical mailing address and telephone number.

c) Send your email to: [lrl.regulatorypubliccomment@usace.army.mil](mailto:lrl.regulatorypubliccomment@usace.army.mil).

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.



Source: USGS 7.5-Minute Topographic Quadrangle Maps - Brooks and Shepherdsville, Kentucky Quads



SALT RIVER MITIGATION BANK  
BULLITT COUNTY, KENTUCKY  
USACE ID NO. LRL-2012-954-pgj

FILE: Redwing/Figures/Prospectus/PN/PN-Site Location

REDWING PROJECT 11-068

REVISED DATE 7.25.2013

DRAWN BY EDB

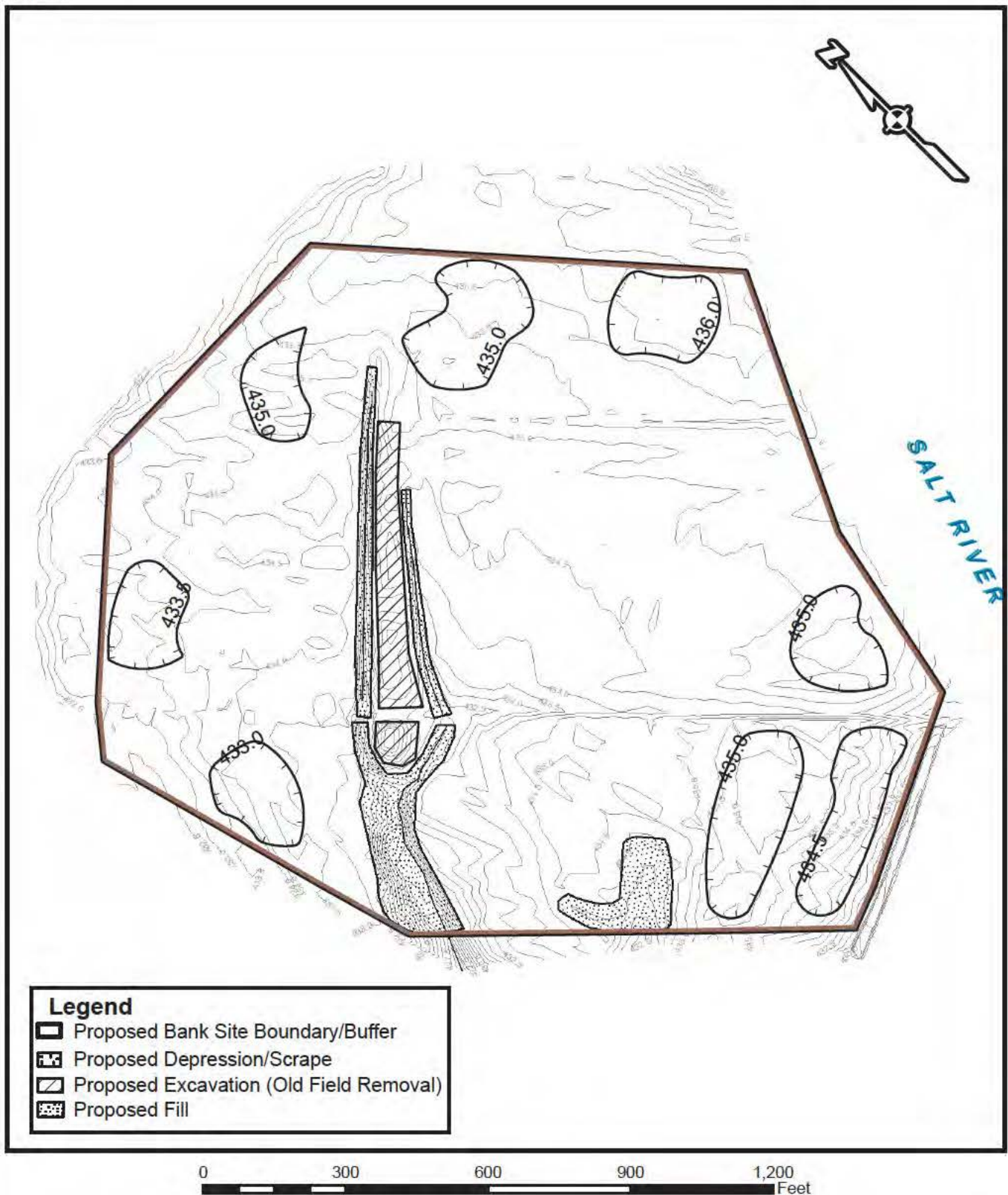


SITE LOCATION MAP

FIGURE 1



Source:



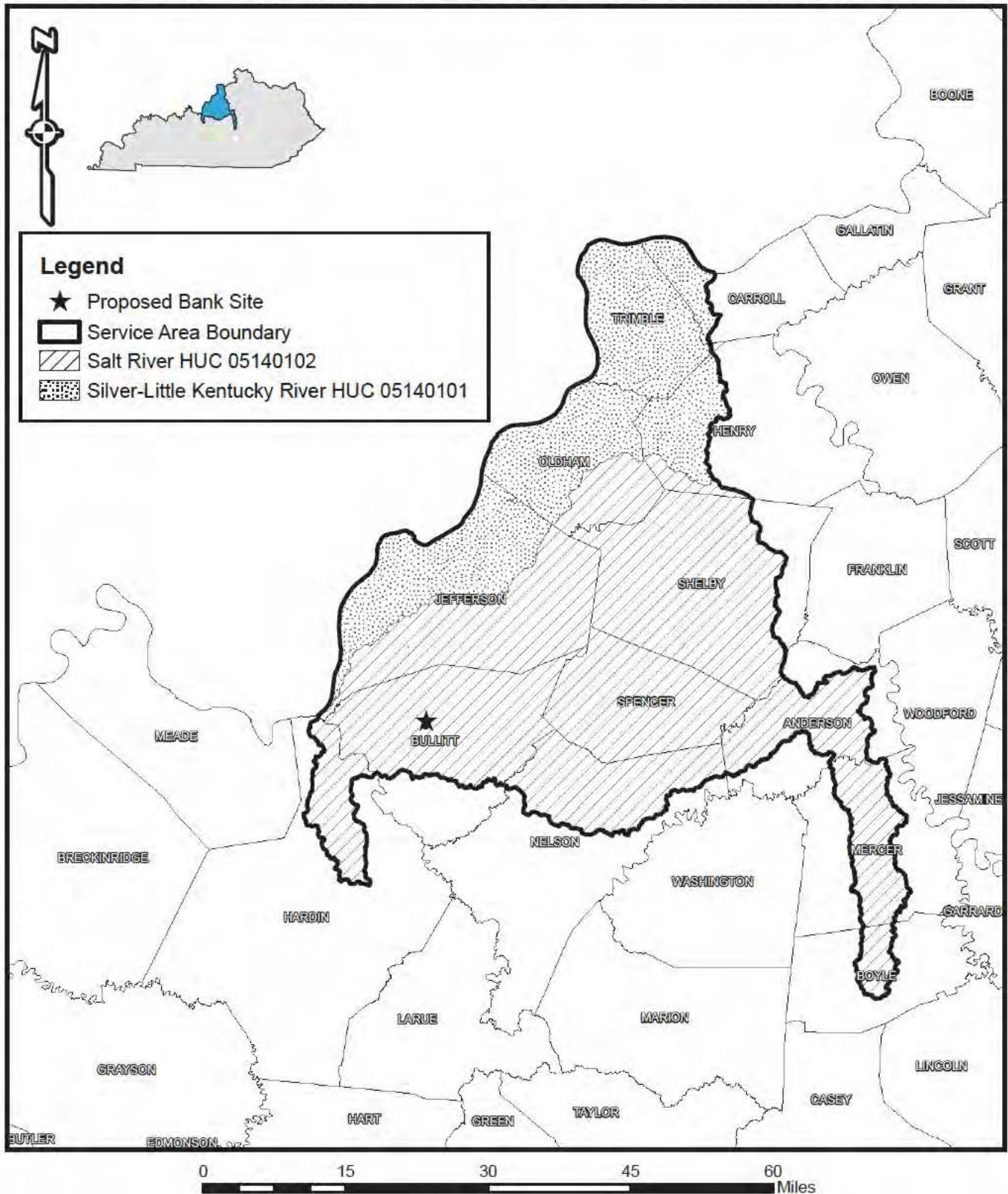
SALT RIVER MITIGATION BANK  
BULLITT COUNTY, KENTUCKY  
USACE ID NO.: LRL-2012-954-pgj

FILE: Redwing/11-068/Figures/Prop/PN/PN-ConceptMitig  
REDWING PROJECT: 11-068  
REVISED DATE: 7.25.2013 EDB



CONCEPTUAL  
GRADING PLAN

FIGURE 5



SALT RIVER MITIGATION BANK  
BULLITT COUNTY, KENTUCKY  
USACE ID NO.: LRL-2012-954-pgj

FILE: Redwing/11-068/Figures/Prosp/PN/ServiceArea

REDWING PROJECT: 11-068

REVISED DATE: 7.31.2013

DRAWN BY: EDB



SERVICE AREA MAP

FIGURE 6